

Pay your levies to avoid disconnection!



Summary of Judgement: Body Corporate The S[...] vs. Jansen Madike Katsi

Court Information

- **Court:** High Court of South Africa, Gauteng Local Division, Johannesburg
- **Case No:** 2023-031774
- **Date of Judgment:** 3rd January 2025

Parties Involved

- **Applicant:** The Body Corporate
- **Respondent:** Jansen Madike Katsi

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Key Points of the Case

Introduction

- The Body Corporate sought a monetary judgment of **R107,940.63** against the respondent for unpaid levies and electricity charges, alongside interest and costs.
- The Body Corporate requested permission to disconnect the respondent's electricity supply until the owed amount was paid in full.

Court Proceedings

- On **14 November 2024**, an order was mistakenly granted allowing the disconnection of the electricity supply until the total judgment amount was paid. The intention was only to disconnect for unpaid electricity charges.
- The court identified and corrected this mistake, proposing an amendment to reflect that disconnection would occur only until the outstanding electricity charges were settled.

Background

- The Body Corporate, established in **2007**, consists of **86 units**. The respondent, as a unit owner since **30 June 2014**, is a member of the Body Corporate.
- The Body Corporate relies on the collection of levies and municipal charges to manage and maintain the property.

Respondent's Indebtedness

- The respondent admitted to his debt, amounting to **R107,940.63** for 25 months of unpaid levies and electricity charges. He attributed his financial struggles to the COVID-19 pandemic and proposed a payment plan of **R8,000.00** monthly.

Disconnection of Electricity Supply

Contentious Relief

- The Body Corporate sought court authorization to disconnect the electricity supply due to the respondent's non-payment. The respondent argued that such disconnection would violate his constitutional rights.

Legal Precedents Cited

- **Lion Ridge Body Corporate v Alexander:** Established that disconnection without prior agreement could infringe on constitutional rights.
- **Joseph v City of Johannesburg:** Highlighted the need for procedural fairness and adequate notice before disconnection.

Body Corporate's Justification

- The Body Corporate argued for a tacit agreement that obligates owners to reimburse for electricity charges. They asserted that if they cannot recover these amounts, it could jeopardize the financial stability of the entire scheme.



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Court's Evaluation

- The court acknowledged the tension between the Body Corporate's need for reimbursement and the respondent's right to electricity.
- The Body Corporate successfully established a tacit agreement concerning the payment of utilities, allowing them to disconnect for non-payment.
- The judgment emphasized that the disconnection would not only address the respondent's non-payment but also protect the interests of other unit owners.

Final Order

- **Monetary Judgment:** The respondent was ordered to pay R107,940.63.
- **Interest Rate:** Interest on the judgment amount at 11.25% per annum until paid in full.
- **Electricity Disconnection:** Authorization was granted for the Body Corporate to disconnect the respondent's electricity supply if payment wasn't made within 10 days.
- **Continued Disconnection:** The electricity supply would remain disconnected until the full amount and interest were paid.
- **Costs:** The respondent was ordered to pay the costs of the application on Scale B.

